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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/915,033

07/25/2001

Brian Morrison

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24500

7590

05/03/2005

SIEMENS CORPORATION
INTELLECTUAL PROPERTY LAW DEPARTMENT
170 WOOD AVENUE SOUTH
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EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,033

Applicant(s) *K*

MORRISON ET AL.

Examiner

Edwin C. Holloway, III

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-8 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Art Unit: 2635

Examiner's Response

1. In response to applicant's amendment filed 9-1-04, all the amendments to the specification and claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 102 & 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-2 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambropoulos (US 4881148) in combination with Prosan (US 4525805) and Guerin (US 6380843).

Regarding claims 1 and 6, Lambropoulos discloses a vehicle entry remote control transmitter and method with a unique code stored by the manufacturer randomly selecting a number from a source such as a number generator. See col. 4 lines 15-30. Regarding claims 7-8, the transmitter of Lambropoulos is for remote vehicle door access. See the title and abstract.

Prosan discloses an analogous art key programming method and key that randomizes a serial number at the factory to provide cipher code for a key that may be easily and

Art Unit: 2635

consistently implemented. See cols. 3 and 8.

Guerin discloses an analogous art key programming method with serial number, date and time information of assignment (customization) in cols. 3-4 to allow detection of false keys. See col. 3 lines 47-53 and col. 4 lines 55-57.

Regarding claims 1-2 and 6-8, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the random number of Lambropoulos as time varying non-sequential code in view of the randomized serial number of Prosan to allow coding that is easily and consistently implemented. Alternatively, it would have been obvious to have provided the key of Prosan with a transmitter as disclosed in Lambropoulos to allow remote entry control. It further would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above the date and time as disclosed in Guerin to detect falsification.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lambropoulos (US 4881148), Prosan (US 4525805) and Guerin (US 6380843) as applied above and further in view of Kurosu (US 4683540). Kurosu discloses including an assembly line serial number in the abstract and col. 7 for proper tracking of parts. It would have been obvious to one of

Art Unit: 2635

ordinary skill in the art at the time the invention was made to have included in the serial number of the combination applied above an assembly line number as disclosed in Kurosu to allow proper tracking of parts.

5. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambropoulos (US 4881148) and Prosan (US 4525805) and Guerin (US 6380843) as applied above and further in view of Koopman (US 5363448) or Waraksa (US 5412379). Koopman and Waraksa discloses an analogous art remote entry transmitters with counter and XOR to generate a random number. See cols. 11-12 of Koopman and col. 11 of Waraksa. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above the counter and XOR Koopman or Waraksa as a convenient manner to provide the generate a random number generation Lambropoulos and Prosan.

Response to Arguments

6. Applicant's arguments filed 9-1-04 have been fully considered but they are not persuasive. The argument that Guerin discloses postal key expires in one day that is not required by applicant's invention is not persuasive because applicant's claims do not exclude postal key code that expires in one day. Further, the invention of Guerin does not require a

Art Unit: 2635

postal code that expires in one day. Guerin refers to the one day postal code in the "description of the Related Art" in col. 1, but Guerin does not require the one day expiration in his invention. Col. 2 line 31 refers to a period of validity that is one month, for example, but doesn't require one day expiration. Regardless, Guerin clearly discloses storage of data and time of customization along with serial number on the data carrier in cols. 3-4.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miron (US 5477041) discloses a key with code representative of a real time based on the time of issuance.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

Art Unit: 2635

expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

CONTACT INFORMATION


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 703-305-3028 or toll free at 866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at ebc@uspto.gov. The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (571) 272-2600.

Facsimile submissions may be sent via fax number (703) 872-9306 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068.

EH
4/20/05


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
ART UNIT 2635